

**MINUTES OF THE
GREENSBORO ZONING COMMISSION
DECEMBER 13, 2004**

REGULAR MEETING

A regular meeting of the Greensboro Zoning Commission was held on Monday, December 13, 2004 at 2:00 p.m., in the City Council Chambers, Second Floor, Melvin Municipal Office Building. Members present were Chair Gary Wolf, Tony Collins, Paul Gilmer, Sr., Portia Shipman, Bill Schneider, Peter Kauber, Brian Byrd, J.D. Haynes and Susan Spangler. Dick Hails, Planning Director, and Bill Ruska, Zoning Administrator represented the Planning Department. Blair Carr, Esq., represented the City Attorney's Office.

Chair Wolf welcomed everyone to the Zoning Commission regular monthly meeting. He explained the procedures of the meeting.

ADJUSTMENTS IN AGENDA

Mr. Ruska said staff had received a written request from the property owner that Item C be withdrawn.

Mr. Gilmer moved that Item C be withdrawn, seconded by Mr. Collins. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Shipman, Schneider, Kauber, Byrd, Haynes, Spangler. Nays: None.)

Chair Wolf said there was a request from staff for a continuance of Item H, concerning properties on Chestnut Street. Mr. Ruska noted that this property was in one of the historic districts and must have a recommendation from the Greensboro Historic Preservation Commission before it can be heard by this Commission.

Mr. Gilmer moved continuance of Item H, seconded by Ms. Shipman. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Shipman, Schneider, Kauber, Byrd, Spangler, Haynes. Nays: None.)

APPROVAL OF THE MINUTES OF THE NOVEMBER 8, 2004 JOINT PLANNING BOARD AND ZONING COMMISSION MEETING AND APPROVAL OF THE MINUTES OF THE NOVEMBER 8, 2004 REGULAR MEETING.

Mr. Kauber moved approval of the November 8, 2004 joint Planning Board/Zoning Commission meeting as written, seconded by Mr. Schneider. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Shipman, Schneider, Kauber, Byrd, Spangler, Haynes. Nays: None.)

Ms. Shipman moved approval of the November 8, 2004 Commission regular meeting as written, seconded by Mr. Schneider. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Shipman, Schneider, Kauber, Byrd, Spangler, Haynes. Nays: None.)

PUBLIC HEARINGS:

- A. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL AND RS-40 RESIDENTIAL SINGLE FAMILY TO CITY ZONING CONDITIONAL DISTRICT – RS-9 RESIDENTIAL SINGLE FAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: SINGLE FAMILY DETACHED RESIDENCES AND**

ACCESSORY USES; 2) THERE WILL BE A MAXIMUM OF 98 LOTS; 3) THERE WILL BE PROVIDED ALONG ALAMANCE CHURCH ROAD A LANDSCAPED AREA HAVING A MINIMUM WIDTH OF 20 FEET WHICH SHALL CONTAIN A BERM; - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF ALAMANCE CHURCH ROAD NORTH OF THE TERMINUS OF ZORNBROOK DRIVE, AND NORTH AND EAST OF HYALYN COURT – FOR SHUGART MANAGEMENT, INC. (FAVORABLE RECOMMENDATION)

Chair Wolf said Mr. Byrd had a conflict of interest and asked that he not participate in the discussion and voting on this item since his firm represents the applicant.

Mr. Schneider moved that Mr. Byrd be recused from discussion or voting on this request due to a conflict of interest, seconded by Ms. Shipman. The Commission voted 8-0-1 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Shipman, Schneider, Kauber, Spangler, Haynes. Nays: None. Abstain: Byrd.)

Mr. Ruska presented a map and slides showing the subject property, as well as surrounding properties.

Chair Wolf opened the public hearing.

Charlie Melvin, Esq., 300 North Greene Street, representing Shugart Management, Inc., reviewed the history of the property. He noted that Alamance Church Road is a major thoroughfare. After discussions with staff, it was decided that RS-9 Residential Single Family would be the best zoning request for this property. The Planning Board unanimously recommended the annexation of this property at their November meeting.

Greg Garrett with Shugart Management, 221 Jonestown Road, Winston-Salem 27104, spoke in favor of the request. Prior to submitting this request, he met with the WilPar Estates Homeowners' Association Board and had conversations about the development of this property. The Association had some suggestions and Shugart has been able to accommodate their concerns in the conditions. He came to the Commission with the support of WilPar Estates, which had in the past also represented Zornbrook Estates in different land use matters. For illustrative purposes, he briefly described what Shugart planned for this property. Part of this development will have to wait until the sewer outfall is installed. He gave illustrative comments on the type homes and landscaping they propose to build.

No one spoke in opposition to this request.

Chair Wolf closed the public hearing.

Mr. Hails said the Generalized Future Land Use Map (GFLUM) of the Comp Plan calls for low-density residential use in this location, which conforms with the request. Several other Comp Plan policies also support this. Staff supported the request.

Mr. Gilmer moved an ordinance establishing original zoning of the subject property from County Zoning Agricultural and RS-40 Residential Single Family to City Zoning Conditional District - RS-9 Residential Single Family with conditions, seconded by Mr. Kauber. The Commission voted 8-0-1 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Shipman, Schneider, Kauber, Spangler, Haynes. Nays: None. Abstain: Byrd.)

B. AN ORDINANCE REZONING FROM PUBLIC AND INSTITUTIONAL TO GENERAL OFFICE MODERATE INTENSITY – FOR A PORTION OF THE PROPERTY LOCATED

ON THE WEST SIDE OF WESTOVER TERRACE BETWEEN ENTERPRISE ROAD AND GREEN VALLEY ROAD – FOR MARK C. YATES. (APPROVED)

Mr. Ruska presented a map and slides showing the subject property, as well as surrounding properties.

Chair Wolf opened the public hearing.

William C. Smith, Commercial Investment Broker with Coldwell Banker, 3300 Battleground Avenue, Suite 100, spoke in support of the request. This GO-M rezoning request complies with the Comp Plan calling for a mixed use - commercial and office district that helps diversify the area.

No one spoke in opposition to this request.

Chair Wolf closed the public hearing.

Mr. Hails said staff would note the GFLUM on this site calls for mixed use-commercial. The requested office district conforms to that. There is also institutional land use classification nearby which is also supportive of this request. Staff noted that this request supports the Comp Plan policy of reusing existing developed sites. The Planning Department feels it is also compatible with the surrounding area and recommended approval of the request.

Mr. Kauber moved an ordinance rezoning the subject property from Public and Institutional to General Office Moderate Intensity, seconded Mr. Collins. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Shipman, Schneider, Kauber, Byrd, Spangler, Haynes. Nays: None.)

- C. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – LIMITED OFFICE WITH THE FOLLOWING CONDITION: 1) USES LIMITED TO SINGLE FAMILY DETACHED DWELLINGS; CHURCHES; ACCOUNTING, AUDITING OR BOOKKEEPING; ENGINEERING, ARCHITECT OR SURVEY SERVICES; AUTOMOTIVE PARKING; AND CONDITIONAL DISTRICT – LIMITED OFFICE WITH THE FOLLOWING CONDITION: 1) USES LIMITED TO SINGLE FAMILY DETACHED DWELLINGS; CHURCHES; ACCOUNTING, AUDITING OR BOOKKEEPING; ENGINEERING, ARCHITECT OR SURVEY SERVICES; AUTOMOTIVE PARKING; TO CONDITIONAL DISTRICT – GENERAL OFFICE MODERATE INTENSITY WITH THE FOLLOWING CONDITIONS; 1) USES LIMITED TO SINGLE FAMILY DETACHED DWELLINGS; CHURCHES; ACCOUNTING, AUDITING OR BOOKKEEPING; ENGINEERING, ARCHITECT OR SURVEY SERVICES; BEAUTY SALONS; AUTOMOTIVE PARKING; 2) EXISTING BUILDING SHALL BE RETAINED. 3) FREESTANDING SIGNS LIMITED TO ONE (1) MEETING LO REQUIREMENTS; - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF BRADFORD STREET BETWEEN STATE STREET AND PALM STREET – FOR MIRIAM BOROUGH. (WITHDRAWN)**

This item was withdrawn at the beginning of the meeting.

- D. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – GENERAL OFFICE MODERATE INTENSITY WITH THE FOLLOWING CONDITIONS: 1) USES LIMITED TO TWO (2) FIVE-STORY OFFICE BUILDINGS AND ACCESSORY USES; OR THREE (3) FOUR-STORY OFFICE BUILDINGS AND ACCESSORY USES; CONTAINING NO MORE THAN 185,000 SQUARE FEET; 2) RHEIMS DRIVE SHALL BE EXTENDED TO MICHELLE LANE; 3) REGENCY DRIVE SHALL BE EXTENDED TO RHEIMS DRIVE; 4)**

A TWENTY-FIVE (25) FOOT WIDE PLANTED BUFFER SHALL BE PROVIDED AND MAINTAINED, EXCLUSIVE OF DRIVEWAY OPENING, ALONG THE SOUTHERN PROPERTY BOUNDARY ADJACENT TO RHEIMS DRIVE; 5) A TEN (10) FOOT WIDE PLANTED BUFFER SHALL BE PROVIDED AND MAINTAINED, EXCLUSIVE OF DRIVEWAY OPENING, ALONG VANSTORY STREET; 6) A TEN (10) FOOT WIDE PLANTED BUFFER SHALL BE PROVIDED AND MAINTAINED, EXCLUSIVE OF DRIVEWAY OPENING, ALONG MICHELLE LANE; 7) A TEN (10) FOOT WIDE PLANTED BUFFER SHALL BE PROVIDED AND MAINTAINED ALONG I-40; 8) MAXIMUM OF ONE CURB CUT ON VANSTORY STREET, ONE CURB CUT ON MICHELLE LANE AND ONE CURB CUT ON RHEIMS DRIVE; 9) THE CENTERLINE CURB CUT ON MICHELLE LANE SHALL BE NO CLOSER THAN 240 FEET FROM THE SOUTHEASTERN RIGHT-OF-WAY LINE ON VANSTORY STREET; 10) SIX (6) FEET OF ADDITIONAL RIGHT-OF-WAY SHALL BE DEDICATED FROM THE CURB CUT ON MICHELLE LANE TO THE SOUTHEAST RIGHT-OF-WAY LINE OF VANSTORY STREET; 11) THE CURB CUT ON RHEIMS DRIVE WILL BE PLACED WEST OF THE INTERSECTION OF PROPOSED REGENCY DRIVE; TO SHOPPING CENTER – FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTHEAST SIDE OF VANSTORY STREET AND ON THE NORTH SIDE OF RHEIMS DRIVE BETWEEN MICHELLE LANE AND INTERSTATE 40 – FOR KOURY CORPORATION. (APPROVED)

Mr. Ruska presented a map and slides showing the subject property, as well as surrounding properties.

Chair Wolf said Mr. Byrd had a conflict of interest in this request, since his law firm does some work for the applicant.

Mr. Collins moved the recusal of Mr. Byrd due to a conflict of interest, seconded by Mr. Gilmer. The Commission voted 8-0-1 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Shipman, Schneider, Kauber, Spangler, Haynes. Nays: None. Abstain: Byrd.)

Chair Wolf opened the public hearing.

Steve Showfety, 400 Four Seasons Town Centre, said he was associated with Koury Corporation. He spoke in support of the request. He gave a brief history of the zoning for the subject property. The requested zoning complies with Connections 2025. A traffic impact study (TIS) was done and the findings of the TIS had been presented in the Commissioners' information. He noted that Executive Summary of the TIS shows that the proposed development will not have a significant negative impact on traffic operations along the area streets and intersections. He noted that they notified all the adjoining property owners of a meeting that was held to explain this request, but that there was minimal attendance at the meeting.

No one spoke in opposition to this request.

Chair Wolf closed the public hearing.

Mr. Hails noted that the GFLUM of the Comp Plan calls for mixed-use commercial and activity center use of the property, but is near a low residential area. The site has other uses nearby and has limited impacts on nearby single family development. The site is impacted by the adjoining interstate highway and has not developed for 15 years with the current high office zoning. Required buffers to one adjoining SF home would help protect that use. Staff recommended approval of the request.

Mr. Gilmer moved an ordinance rezoning the subject property from Conditional District - General Office Moderate Intensity with conditions to Shopping Center, seconded by Ms. Shipman.

Mr. Ruska and Mr. Hails responded to several questions regarding the proposed commercial use of this site. They noted that the current zoning permitted 5 story buildings, while the proposed development would likely be 2 story and have limited visual impact on nearby single family uses.

Mr. Kauber commented that it is hard for him to believe that we need more shopping center here.

Chairman Wolf said there was a motion on the floor moving the ordinance. The Commission voted 6-2-1. (Ayes: Wolf, Collins, Gilmer, Shipman, Schneider, Spangler. Nays: Kauber, Haynes. Abstain: Byrd.)

E. AN ORDINANCE REZONING FROM RS-7 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-26 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) RESIDENTIAL USES AND ACCESSORY USES AND STRUCTURES; 2) PROPERTY WILL BE LIMITED TO 36 3-BEDROOM APARTMENTS; 3) ALL BUILDINGS SHALL BE OF MASONRY CONSTRUCTION WITH POSSIBLE WOOD OR VINYL GABLES & TRIM; 4) ALL BUILDINGS SHALL BE LIMITED TO 3 STORIES IN HEIGHT; 5) A BUILDING WILL BE PLACED ON THE PORTION OF THE PROPERTY FRONTING AYCOCK STREET WITH NO PARKING PERMITTED IN FRONT OF SAID BUILDING; 6) SIDEWALKS MEETING CITY OF GREENSBORO STANDARDS WILL BE CONSTRUCTED BY DEVELOPER ALONG THE FRONTAGE OF THE PROPERTY ALONG AYCOCK AND FULLER STREETS; - FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF AYCOCK STREET AND ON THE EAST SIDE OF FULLER STREET BETWEEN HOLBROOK STREET AND HERTFORD STREET – FOR JOSEPH AND EILEEN JOHNSON. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map and slides showing the subject property, as well as surrounding properties.

Vice Chair Collins opened the public hearing, since Mr. Wolf was being recused on this case.

Seth Coker, 4605-G Dundas Drive, represented Frank Auman and himself as the proposed developers of this project. He passed out handouts to the Commission for its consideration. They are proposing 36 apartments for this property. This will be developed and managed by Signature Property Group. He asked that some amendments be made to the zoning request. Existing Condition No. 5 reads: "A building will be placed on the portion of the property fronting Aycock Street with no parking permitted in front of said building." He amended that condition so Condition No. 5 would read: "A building will be placed on the portion of the property fronting Aycock Street, with a front yard setback equivalent to the existing single family dwellings to the north, with no parking permitted in front of said building." He asked to add an additional Condition No. 7 to read: "The facade of the building fronting Aycock Street shall be clearly defined and have a highly visible entryway utilizing elements such as a portico, canopy, raised or peaked cornice parapets, overhangs, arches or similar architectural detailing."

Vice Chair Collins said there were several procedural matters that the Commission needed to act upon before moving forward. At the beginning of the presentation, they realized that Mr. Wolf would have to recuse himself from discussion or voting on this request, due to his law firm's involvement and conflict of interest with the applicant.

Mr. Gilmer moved that Mr. Wolf be recused from discussion or voting on this request, seconded by Mr. Byrd. The Commission voted 8-0-1 in favor of the motion. (Ayes: Collins, Gilmer, Shipman, Schneider, Kauber, Byrd, Spangler, Haynes. Nays: None. Abstain: Wolf.)

Vice Chair Collins said Mr. Coker had presented an amendment to Condition No. 5 and added Condition No. 7 for the subject request.

Mr. Kauber moved approval of the amendment to Condition No. 5 and addition of Condition No. 7, seconded by Mr. Gilmer. The Commission voted 8-0-1 in favor of the motion. (Ayes: Collins, Gilmer, Shipman, Schneider, Kauber, Byrd, Spangler, Haynes. Nays: None. Abstain: Wolf.)

Mr. Coker continued his comments in support of the request. For illustrative purposes, he said they intend to build three 12-unit brick apartment buildings and provided other illustrative details about the planned development. He noted that the project would be compatible and supports the Comp Plan.

Counsel Carr said many of the comments made by Mr. Coker, about the proposed project, beyond the conditions attached to the request, are not appropriate for this Commission to consider.

Mr. Coker said he met with the Glenwood Neighborhood Association about two weeks ago, with about 40 people in attendance. The amended Condition No. 5 and new Condition No. 7 were a direct result of that meeting. The Neighborhood Association's position was that they had not had time to take a formal vote or a position. Therefore, according to their president, the Neighborhood Association was not going to take a stance on this project one way or the other.

Eileen Johnson, 1014 South Aycock Street, spoke in support of the request as being good for the neighborhood and area.

Alice Ashman, 1010 South Aycock Street, spoke in opposition to the request, due to changing the neighborhood, traffic and maintenance concerns. She also expressed concern about a dumpster being located near her property.

In response to a question from Mr. Kauber, Ms. Ashman said she had spoken with the applicant about the area adjoining her property, but there had been no agreement.

Bulent Bediz, 808 Lexington Avenue, spoke in opposition to the request, asking for more time for the neighborhood to discuss details of the project, such as architecture, traffic and access.

Leslie Elias, 1027 South Aycock Street, also spoke in opposition and agreed with earlier speaker concerns.

Claude Brightwell, 1204 Fuller Street, spoke in opposition, expressing concerns about an alleyway and about traffic on Fuller Street.

Tommy Pugh, 2180 Naomi Road, Franklinville, NC, spoke in opposition to the request, due to undesirable neighborhood changes it would bring.

In rebuttal, Mr. Coker responded to concerns raised, stating that he did not feel the project would make for problems with traffic, the architecture and the alley access.

In response to comments by Ms. Shipman, Mr. Coker said due to the amenities being put into the apartments, the tenancy would be student targeted and well-maintained.

In response to a question from Mr. Byrd, Mr. Coker said he would assume that they would attempt to locate the dumpster site between the two back buildings and the big parking bay. The TRC will have final say on that.

In response to comments by Mr. Kauber, Mr. Coker said that if the neighborhood chose to petition

for historic district status, they would support the petition.

Vice Chair Collins asked if anyone from the opposition would like to have 5 minutes of rebuttal time and no one came forward.

Vice Chair Collins closed the public hearing.

Mr. Hails noted that the GFLUM shows this area as low density residential, but immediately bordering mixed use commercial. They again used the fuzzy boundary analysis. Several other things were mentioned in the Comp Plan for mixed use-commercial. Mixed use-commercial provides for higher density mixed income housing. This proposal is in an Activity Center and there is a regional transit station proposed several blocks up near West Lee Street. It also notes the Connections 2025 Plan policies that actively encourage diversification of housing stock in neighborhoods and mixed income opportunities in neighborhoods as well. He noted that the conditions on the request definitely help with the compatibility of the project. Staff felt like the conditions are important in terms of compatibility. Because of all these issues, staff supports approval of the request.

Several Commissioners commented as to why they would support or not support this request.

Counsel Carr said the Commission should not consider any future historical designation or the occupancy of the dwellings.

In response to a question from Mr. Byrd, Mr. Ruska said the CD-PDI tract on Trogon Street was actually one of the first Infill Planned Unit Development Districts created in the City under that new provision and the purpose for that was to allow single family dwellings on 40-foot lots.

Vice Chair Collins said he thought this probably highlights the case where it is so very important for an applicant to meet with the neighborhood and have discussions in advance.

Mr. Kauber said he would like to echo that this seemed to him to be a perfect example of where one side or the other could have requested a continuance.

Counsel Carr said she would feel very uncomfortable given the fact they had gone through an entire public hearing for this Commission to entertain a continuance of this matter.

Mr. Gilmer moved an ordinance rezoning from RS-7 Residential Single Family to Conditional District - RM-26 Residential Multifamily with conditions, seconded by Mr. Schneider. The Commission voted 5-3-1 in favor of the motion. (Ayes: Collins, Gilmer, Shipman, Schneider, Spangler. Nays: Kauber, Byrd, Haynes. Abstain: Wolf.)

Vice Chair Collins declared a 10-minute recess from 3:50 until 4:00 p.m.

E. AN ORDINANCE REZONING FROM RS-40 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-12 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITION: 1) USES: RESIDENTIAL USES AND ACCESSORY USES AND STRUCTURES; - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF HILLTOP ROAD BETWEEN LAKESHORE DRIVE AND EAST WOODLYN WAY – FOR MARSHALL BRITTAIN, AND ROBERT AND MERLYN SCHULTHEIS. (CONTINUED)

Chair Wolf said during the break he was informed that the applicant on this case would like to request a continuance.

Seth Coker, 4605-G Dundas Drive, Suite L, asked for a month's continuance on this request so he could try to work out some issues with the neighborhood association.

Mr. Collins moved that Item H be continued until the next meeting of the Commission, seconded by Mr. Gilmer. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Shipman, Schneider, Kauber, Byrd, Spangler, Haynes. Nays: None.)

- G. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING RS-40 RESIDENTIAL SINGLE FAMILY AND SHOPPING CENTER TO CITY ZONING CONDITIONAL DISTRICT – RM-5 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) ONLY TOWN HOME AND TWIN HOME DWELLINGS FOR INDIVIDUAL OWNERSHIP AND THEIR CUSTOMARY ACCESSORY USES SHALL BE PERMITTED; 2) THE MAXIMUM NUMBER OF RESIDENTIAL DWELLINGS SHALL BE 104 UNITS, COMPRISED OF 16 DUPLEX UNITS (8 BUILDINGS) AND 88 QUAD UNITS (22 BUILDINGS); 3) THE NUMBER OF UNITS IN A SINGLE TOWN HOME BUILDING WILL BE LIMITED TO A MAXIMUM OF 4 UNITS; 4) BUILDINGS SHALL BE SINGLE STORY. TWIN HOMES MAY HAVE WALK-OUT BASEMENT; 5) ALL BUILDINGS SHALL HAVE A MAIN ROOF LINE PITCH OF 5:12 OR GREATER; 6) EACH UNIT WILL HAVE A TWO-CAR GARAGE; GUEST PARKING SHALL BE DESIGNED FOR EACH INDIVIDUAL UNIT; THERE WILL BE NO CENTRALIZED PARKING BAYS OR LOTS EXCEPT FOR PARKING REQUIRED FOR THE CLUBHOUSE; 7) EXTERIOR BUILDING MATERIALS SHALL CONSIST OF OR BE A COMBINATION OF CULTURED STONE, BRICK, HARDIE BOARD (OR EQUAL MATERIAL), AND STUCCO; USE OF VINYL SIDING SHALL BE LIMITED TO SOFFITS, FASCIA AND TRIM; 8) ALL EXTERIOR COMMON AREA AND PRIVATE STREET LIGHTING SHALL BE DIRECTED DOWNWARD AND SHALL BE LOW PROFILE DECORATIVE LIGHTING; 9) THERE SHALL BE NO TRASH COMPACTOR AND NO DUMPSTER LOCATED ON THE PROPERTY OTHER THAN FOR THE PURPOSE OF COLLECTING AND REMOVING CONSTRUCTION DEBRIS, UNLESS REQUIRED BY THE LOCAL JURISDICTION; 10) A MINIMUM 30-FOOT WIDE LANDSCAPED BUFFER WILL BE MAINTAINED ALONG THE EASTERN BOUNDARY OF THE PROPERTY; THE BUFFER SHALL CONSIST OF ONE OR MORE OF THE FOLLOWING: EXISTING VEGETATION, STAGGERED DOUBLE ROW OF LEYLAND CYPRESS, THREE TO FOUR FOOT EARTHEN BERM AND SUPPLEMENTAL PLANTINGS; 11) THE PRIVATE ACCESS TO SPRUCEWOOD DRIVE SHALL BE A MAXIMUM OF 24 FEET IN WIDTH; 12) NO CONSTRUCTION TRAFFIC SHALL BE PERMITTED TO USE THE PRIVATE ACCESS TO SPRUCEWOOD DRIVE; 13) THE CULVERT NECESSARY FOR THE PRIVATE ACCESS TO SPRUCEWOOD DRIVE TO CROSS THE PERENNIAL CREEK ON THE NORTHERN PORTION OF THE PROPERTY SHALL BE DESIGNED TO RESEMBLE A BRIDGE; 14) LANDSCAPING SHALL BE INSTALLED ON BOTH SIDES OF THE PRIVATE ACCESS WHERE THAT ACCESS IS ADJACENT TO GUILFORD COUNTY TAX PARCELS 682-887-49 AND 52; SUCH LANDSCAPING SHALL CONSIST OF TWO ROWS OF LEYLAND CYPRESS OR COMPARABLE EVERGREEN TREES PLANTED 10 FEET APART (I.E. FROM TREE TO TREE AND ROW TO ROW) AND OFFSET/STAGGERED FROM ROW TO ROW IN ORDER TO PROVIDE A SOLID VISUAL BARRIER; THESE TREES SHALL HAVE A MINIMUM HEIGHT OF 4 FEET-SPECIMEN QUALITY AT THE TIME OF INSTALLATION; INSTALLATION SHALL BE UPON COMPLETION OF PRIVATE ACCESS CONSTRUCTION, BUT NO LATER THAN TWELVE MONTHS AFTER PRIVATE ACCESS CONSTRUCTION IF INITIATED; 15) LIGHTING ALONG THE PRIVATE ACCESS SHALL BE DIRECTED DOWNWARD AND SHALL BE LOW PROFILE DECORATIVE LIGHTING TO COORDINATE WITH LIGHTING WITHIN THE DEVELOPMENT - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST**

SIDE OF HIGH POINT ROAD SOUTH OF SCOTLAND ROAD AND WEST OF SPRUCEWOOD DRIVE – FOR BILL HOLLAND, CLASSIC TRADITION HOMES. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map and slides showing the subject property, as well as surrounding properties.

Chair Wolf opened the public hearing.

Judy Stalder, 1012 Wellington Street, High Point, spoke in support of the request, noting both conditioned and illustrative details of the proposed development, to insure compatability with neighbors. She also presented a petition of support from neighbors.

Michael Landreth, 2115 Sprucewood Drive, spoke in support of the request due to its compatability with the community.

Belvin Smith, 4106 Brambletye Drive, said he was president of Sedgefield 11 Property Owners' Association. They have 94 homes in their community, which is just east of the subject property. On behalf of the Association and the whole community of 94 residents, he was here in full support of Mr. Holland's project. Most of the community's concerns were ironed out with the conditions put on the use of the property.

There was no one to speak in opposition.

Chair Wolf closed the public hearing.

Mr. Hails said this area is designed on the GFLUM of the Comp Plan as mixed use-planned community, bordering on low density residential (three to five dwelling units per acre). Both of these designations conform to the request. In addition, introducing a different type of housing into this area supports the Comp Plan policies related to mixed income neighborhood, diversification, new housing stock and compact development. Staff recommends approval of the request.

Mr. Kauber moved to introduce the ordinance with the proposed conditions, seconded by Ms. Shipman. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Shipman, Schneider, Kauber, Byrd, Spangler, Haynes. Nays: None.)

Mr. Gilmer and Mr. Kauber commented that this was a good example of the developer and the neighborhood working together.

H. AN ORDINANCE REZONING FROM RS-7 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-18 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) ALL EXISTING STRUCTURES WILL BE RETAINED; 2) THE FOLLOWING MAXIMUM NUMBER OF UNITS SHALL APPLY TO EACH PROPERTY: (A) 763 CHESTNUT STREET = 2; (B) 765 CHESTNUT STREET = 3; (C) 767 CHESTNUT STREET = 2; AND (D) 769 CHESTNUT STREET = 3; - FOR A PORTION OF THE PROPERTY LOCATED AT THE SOUTHWEST QUADRANT OF CHESTNUT STREET AND EAST HENDRIX STREET – FOR JOHN K. MANDRANO. (CONTINUED TO JANUARY MEETING)

This item was continued at the beginning of the meeting.

L. AN ORDINANCE REZONING FROM RS-9 RESIDENTIAL SINGLE FAMILY TO

CONDITIONAL DISTRICT – GENERAL BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES EXCEPT BARS AND THOSE REQUIRING DRIVE-THRU SERVICE; 2) OUTDOOR STORAGE OF ANY TYPE SHALL BE PROHIBITED; - FOR A PORTION OF THE PROPERTY LOCATED AT THE SOUTHWEST QUADRANT OF RANDLEMAN ROAD AND CLARK AVENUE – FOR O'REILLY AUTOMOTIVE, INC. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map and slides showing the subject property, as well as surrounding properties.

Chair Wolf opened the public hearing.

Ken Colt, 485 Craighead, Nashville, TN, represented the applicant and spoke in support of the request. In reviewing the meeting minutes from 1989 of the request to rezone this property, he felt many things had changed since that time until the present. They feel their use will be no more intensive than any other commercial property or similar business in the immediate area. In curbside appeal, they believe their business is compatible with similar retail in the area. As stated in the conditions, there will be no drive-thru services or outdoor storage.

In response to a question from Ms. Shipman, Mr. Colt said they had a proposed site plan. According to City ordinances, they have complied with the amount of parking required. For illustrative purposes, the proposed site plan was shown to the Commission.

Mr. Colt explained the proposed site plan. The adjacent pool service was no longer in business and would be part of the overall property development with that building and the house next door being demolished.

Brian Quakenbush, 3014 Randleman Road, spoke in favor of the rezoning, due to changes in the neighborhood.

Eleanor Atkins, 3012 Randleman Road, spoke in support of the request, due to commercial development and residential and crime problems in the area.

Tommy Pugh, 2181 Naomi Road, Franklinville, NC, said his sister, brother and he owned the property directly south and adjacent to the subject property and they opposed this rezoning due to the stable adjoining residential neighborhood.

In response a question from Ms. Shipman, Mr. Pugh said the subject property was a corner of the intact residential area.

In rebuttal for the applicant, Mr. Colt said he would address some of Mr. Pugh's observations about his illustrative site plan. He noted that the project would be required to follow what the City requirements are for landscaping, building compositions and parking space requirements.

Mr. Landreth said that nearby properties are not being maintained and that several property owners are interested in selling out.

Ms. Atkins also noted that some property owners wanted to sell, especially those near businesses.

In rebuttal for the opponents, Mr. Pugh repeated that he was not in favor of the present proposal.

Chair Wolf closed the public hearing.

Mr. Hails said that the area is designed mixed use-commercial with low residential immediately to

the west on the GFLUM of the Comp Plan. Because it is close to two boundaries, staff will do a fuzzy analysis based on the context. In the immediate area, there are only single family and commercial uses. This development would have direct impacts on the single family immediately to the west. There needs to be some transition between the two uses. The proposal does not provide those transitions. Staff feels there needs to be more mixture of uses in the area. The Comp Plan specifically states in mixed use-commercial: "Where applied to older highway corridors characterized by strip commercial uses, the intent is to encourage infill and redevelopment for a more diverse and attractive mix of uses over time." Staff feels there are opportunities here to develop the site with less neighborhood impact and less strip development pattern. In addition, there are some other Comp Plan policies that would support this in terms of generally supporting infill and reinvestment. There are likewise other Comp Plan policies that call for protection of neighborhoods from development and redevelopment. Staff feels there is a greater opportunity here to avoid heavy impacts on single family and to avoid strip development in redevelopment along Randleman Road. Therefore, staff recommends denial of the request.

Mr. Gilmer moved to introduce the ordinance with conditions, seconded by Mr. Collins.

Several of the Commission members commented on their perspective on this rezoning and explained their reasons for voting for or against the request.

Chair Wolf said there was a motion on the floor to introduce the ordinance. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Shipman, Schneider, Kauber, Byrd, Spangler, Haynes. Nays: None.)

J. AN ORDINANCE REZONING FROM RS-20 RESIDENTIAL SINGLE FAMILY TO CORPORATE PARK – FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF BENTLEY ROAD EAST OF REGIONAL ROAD NORTH – FOR FCB, LLC. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties.

Chair Wolf opened the public hearing.

Jay Devaney, Esq., 701 Green Valley Road, represented himself and his partner, Cooper Brantley who is FCB, LLC. They own the property immediately to the west, which is 532-538 North Regional Road and is called Greensboro Business Park. It is leased to U.S. Customs and numerous other tenants. They wish to add this property to their holdings to expand that corporate park in the future. Corporate Park is the consistent with all the zoning in the area. The one advantage they do have as the adjoining owner is that the truck traffic for this site will come through the existing property between the north and the south buildings at the Greensboro Business Center directly off Regional Road as opposed to the use of Bentley Place. There is a trucking facility under construction immediately east of the subject site, which was seen in the picture of the widening of Bentley Road.

No one spoke in opposition to the request.

Mr. Hails said the GFLUM of the Comp Plan designates this site as Industrial-Corporate Park with a wide variety of business uses encouraged in this location. It clearly conforms to the request. In addition, there are several other Comp Plan goals related to supporting economic development, adequate land zoned to support business development, etc., that clearly supports this as well. You have heard about the surrounding zoning patterns and land use patterns. Staff thinks it is an addition compatible to the area. They also note within the staff report that the Airport Area Plan that was endorsed by City Council awhile back also supports non-residential uses of this type in

the area. Therefore, staff would support approval of the request.

Mr. Gilmer moved to introduce the ordinance, seconded by Ms. Shipman. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Shipman, Schneider, Kauber, Byrd, Spangler, Haynes. Nays: None.)

K. AN ORDINANCE REZONING FROM HIGHWAY BUSINESS TO HEAVY INDUSTRIAL – FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF WEST MARKET STREET BETWEEN NORTH CHIMNEY ROCK ROAD AND STAGE COACH TRAIL – FOR SHERWIN WILLIAMS COMPANY. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties.

Chair Wolf opened the public hearing.

Bo Rollins represented Sherwin Williams Company. He referred the Commission to the map and said what they are proposing is just a consistency with the surrounding areas. They have the Urban Loop directly behind them. They are looking at potential plant expansion or site expansion to allow for permeable coverage for their facility to move some of the traffic that congests on Stage Coach Trail onto their facility.

Gene Stowe, 206 North Westgate Drive in the Starmount Community off West Market Street, said his wife and he owned the property next to the two acres proposed for rezoning. He opposed the rezoning and said this was a beautiful tract of land that should not be zoned. It was two acres of flat property that can and should be used for Highway Business activity. The subject property could have from eight to 12 small businesses and could employ 20 to 40 people if designed properly. Sherwin Williams would encompass his building with heavy industrial and its inherent problems. He had renovated the previous bank building and added approximately 1,000 square feet for use as a kitchen for the restaurant. The rezoning to Heavy Industrial would be a detriment to the value of his property and business.

Cecil Little, 2006 Buford Road, Jamestown, was opposed to this rezoning since he owned a property zoned HB east of Stage Coach Trail. The subject property is the last remaining property zoned HB before you get to the Loop. He considered HB to be the best and highest use for the subject property and in keeping with Mr. Stowe's and his properties.

In rebuttal for the applicant, Mr. Rollins said the comments he would like to rebuke would be the HB focused more towards Stage Coach Trail moving back down Market. Looking to future planning aspects and the location to the Urban Loop without any on or off ramps, as well as the location in proximity to the airport, makes this a prime candidate for their facility. Not only does it border their whole facility, but also the actual land that buffers their facility from the Urban Loop development would be left unused at that point in time. With no use, it has actually been deemed non-usable when they were negotiating with NCDOT for that land purchase. This made it attractive to Sherwin Williams to allow for the continued buffer between their facility and the Urban Loop behind them. It also would offer potential longer-range plans for access and traffic redirection from Sherwin Boulevard onto their facility, again trying to take more of the traffic pressure off of Stage Coach Trail. As far as trying to change the land as was directed, that is not the intent at all. The intent is, at this point in time in the short range plans three to five years, to leave that land currently marked there as unchanged. Their intent is not to infringe or reduce land value on neighboring properties, it is to offer them future expansion growth. They have been here since 1964 and they have continued plans to stay in this area, but they are becoming more limited to the space that they have for their growing facility. Their plans are not to take the land and do anything other than possibly create and utilize the road access potentially to Market.

In response to a question from Ms. Shipman, Mr. Rollins said they currently employ 120 people at this location and future expansion will increase that number.

Chair Wolf asked if HB zoning could be for any accessory uses? For instance, if they wanted to add onto their facility and they owned that and stayed HB, could they use that as parking for their density and things?

Mr. Ruska said they could use it for parking, but they couldn't use for a use that wasn't allowed in an HI zone.

Chair Wolf said he understood they couldn't put their facility in it, but if they expanded their facility and needed that square footage for parking and for other impervious surface, could they use it for that purpose?

Mr. Ruska responded yes.

Mr. Hails said that while HI does not allow a lot of different retail uses, it does allow restaurants with no drive-thru and convenience stores with or without fuel pumps. So there are some support-type retail uses permitted by right in the HI district.

In response to questions from Mr. Kauber, Mr. Rollins said since there were no conditions imposed on the proposed rezoning, it was his understanding that anything allowed in HI could go in this property. He further agreed that the neighboring business might have reason to be concerned with that in the sense that some activities are going to blend with his business and some HI would not. He said again their initial plans were to try to leave it as unchanged at the current time, but allow the potential additional access to Market with the lack of access ramps to the Urban Loop. Their other concern is safety environmental for their facility. With the threat of terrorism they do have chemicals on their facility so they are always trying to create as much buffer as possible.

In rebuttal for the opposition, Mr. Stowe said they were concerned that no conditions were placed on the rezoning. These two acres rezoned to HI, he made it sound like nothing would ever happen to it. He was very concerned about using it as a ramp or a driveway or enclosing it as a parking lot. He said he was also concerned about the environmental impact to his property also being beside an existing Sherwin Williams paint product and also an addition.

Mr. Little said he thought the applicant used the word "chemicals," which is exactly what is over there. He was in the convenience store business for 27 years and had an understanding of environmental issues. They are clean over there on that corner because they had paid a lot of money to do it the right way. The City did a taking on Stage Coach Trail. Instead of taking the Sherwin Williams property, the City took it all on their side. Their research revealed the City did not want to get involved in the environmental issues at Sherwin Williams.

Chair Wolf closed the public hearing.

Mr. Hails said the GFLUM of Connections 2025 Comp Plan designates this area as industrial corporate park. It really is the eastern edge of a large industrial corporate park designation that wraps around the airport on three sides. As you go closer to Guilford College Road, it is intermixed more with retail and other uses. The Plan also designates the area as reinvestment corridor and encourages economic development goals of ensuring sites for healthy diversified economy, adequate land zoned for business development and the use of under-utilized and abandoned properties. The Airport Area Plan endorsed by Council also designates this property as non-residential. He would say that an industrial corporate park area supports a wide range of heavy to moderate business uses. The Plan does not provide detailed guidance on where within that area

retail and support services to industrial are to be provided. Therefore, unfortunately, he didn't think it provided a lot of guidance for you in this situation. He thought the type of issues the Commission was hearing about neighboring properties are legitimate, but our Plan doesn't provide much guidance. We are charged with trying to make sure there are adequate facilities for different types of businesses. If there were conditions here and buffers between different types of business uses, it could provide something more to look at. But as such, the area is clearly designated for industrial use and staff recommends support of the request.

Mr. Gilmer moved to introduce the ordinance, seconded by Ms. Shipman.

Several Commission members commented as to why they would or would not support this request.

The Commission voted 7-2 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Shipman, Schneider, Byrd, Spangler. Nays: Kauber, Haynes.)

ITEMS FROM THE PLANNING DEPARTMENT:

Mr. Hails said this was not a discussion, but he wanted to alert the Commission that City Council has flagged for possible discussion at one of their upcoming business meetings in the new year the joint public hearing arrangement with this Commission and the Planning Board. They had asked staff to identify some different options to look at and staff did not know when it will be discussed or for sure if it is going to be discussed, but it has been identified by at least to two Council members as an item for future discussion.

Chair Wolf said he did not think it went well at last month's joint meeting.

Mr. Hails said he thought the City Manager's Office asked staff for our general reaction, and that is we are implementing the will of the Council on this matter. Everyone involved has taken quite a few pains and efforts to put the current setup in place. Their general instincts are they would like to give it a little more time to see if it becomes a smoother transition, but that will be up to Council.

Chair Wolf said in the joint meeting, this Commission's task was to look at the micro, the Planning Board's task was to look at the macro. With the testimony we had last month, he could understand why their Board cannot resist that urge to get down in the micro. That's the nature of the beast and they certainly all wanted to, regardless of how much Chair Downs tried to pull them back. They still wanted to get down on our level and talk with the facts that the Commission wanted to talk about. Therefore, the meeting took, even for an uncontested matter, twice as long as it should have. We would have been in a lot of trouble if there were a contested matter. That was what he was also going to ask: Do we have something set for the January meeting?

Mr. Ruska responded that yes, they do, but just one request. To staff's knowledge, it is not contested.

Chair Wolf said he did not know how you would get around that issue because we spent a lot of time having their Board ask our questions for facts that should have not been considered in their decision. He said he did not know how you would get around that. It was human nature for them to want to ask those kinds of questions.

In response to a question from Mr. Schneider, Chair Wolf said the evidence for the Board/Commission was put on at the same time.

Mr. Hails said Council wanted both sides of the issue to be discussed at the same time and place for the benefit of the citizens.

Chair Wolf said it felt like they were back on Horse Pen Creek with no opponents. The analysis that they went through for that one item was just like Horse Pen Creek and 220 in terms of all the facts that were coming in. We just didn't have opponents standing up and talking about it. So it didn't work well, in his opinion.

Mr. Hails said he knew that since the first joint meeting, there has been discussion on the Planning Board about keeping within the scope of their consideration. Also it being a very first setup, we probably spent probably a little more time on a walk-through of the logistics than necessary, but it was an open question as to whether that would result in more efficient meetings in the future.

Chair Wolf said they would hear us ask questions down at our level and they will want to get into those questions every time because it is the site-specific questions that really get your passion going in terms of making a decision. It is not the global Comp Plan provisions that are quite as exciting when you have live bodies up there talking about the property.

ITEMS FROM THE ZONING COMMISSION MEMBERS:

Mr. Kauber said he didn't get to bring it up, but the most important thing about the area around that property is Painter Boulevard is wiping out one of the best street bordering areas in the City of Greensboro and he thought it was a disgrace.

Counsel Carr said before the Commission adjourned, the staff with the City and the Planning Department and Legal Department would like to thank you all for your service and would like to wish you a very happy and healthy Holiday.

ACKNOWLEDGMENT OF ABSENCES:

None.

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There being no further business before the Commission, the meeting was adjourned at 5:40 p.m.

Respectfully submitted,

Richard W. Hails, AICP
Planning Director

RWH/ts.ps